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Attorneys for Plaintiffs

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

CALVARY CHAPEL SAN JOSE, a California
Non-Profit Corporation; **PASTOR MIKE**
MCCLURE, an individual;
Plaintiffs,

vs.

GAVIN NEWSOM, in his official capacity as the
Governor of California, **TOMAS ARAGON**,
M.D., in his official capacity as the Acting
California Public Health Officer; **SANTA CLARA**
COUNTY; **SARA H. CODY, M.D.**, in her official
capacity as Santa Clara County Public Health
Officer; **MIKE WASSERMAN**, in his official
capacity as a Santa Clara County Supervisor;
CINDY CHAVEZ, in her official capacity as a
Santa Clara County Supervisor; **DAVE**
CORTESE, in his official capacity as a Santa
Clara County Supervisor; **SUSAN ELLENBERG**,
in her official capacity as a Santa Clara County
Supervisor; and **JOE SIMITIAN**, in his official
capacity as a Santa Clara County Supervisor;

Defendants.

Case No.: 20-cv-03794-BLF

DECLARATION OF MARIAH GONDEIRO
IN SUPPORT OF PLAINTIFFS'
OPPOSITION TO THE COUNTY'S
ADMINISTRATIVE MOTION TO VACATE
THE TRIAL DATE

Judge: Hon. Beth Labson Freeman

1 I, Mariah Gondeiro, declare as follows;

2 1. I am an attorney duly licensed in the State of California and represent the interests of
3 Plaintiffs in this matter.

4 2. On January 21, 2021, this Court set a trial date for May 22, 2023.

5 3. The parties are scheduled to argue the County's Partial Motion for Summary
6 Adjudication in the parallel state action on March 14, 2023, with the state court rendering a decision by
7 June 12, 2023.

8 4. The County's counsel reached out to me via email on February 7, 2023 to inquire as to
9 whether Plaintiffs would stipulate to a continuance of the trial date based on the upcoming state court
10 hearing. In the interest of my clients, Calvary Chapel San Jose and Pastor Mike McClure (collectively,
11 "Calvary"), the Court's docket, and expeditious resolution of this case, I did not agree to a continuance
12 of the trial date.

13 3. Plaintiffs were scheduled to depose one of the County's experts on February 17, 2023.
14 The County did not produce all documents in relation to that deposition, requiring I continue the
15 deposition. On February 16, 2023, during a deposition of one of Plaintiffs' experts, I asked the County
16 if they would offer the expert on a later date or agree to a short extension of the expert discovery
17 deadline. The County is scheduled to depose all of the Plaintiffs' experts by the close of expert
18 discovery.

19 4. I object to a continuance of the trial date due to the lack of good cause and the great
20 prejudice to Calvary and its congregants that would result from any further delay in this case.

21 5. I attended the hearing on January 26, 2023, at which this Court heard oral arguments on
22 the County's motion to dismiss and on the parties' cross-motions for summary judgment. Nothing that
23 occurred in that hearing impacts the parties' abilities to try this case as scheduled. The Court made no
24 tentative ruling as to the County's *Younger* motion, although the Court did extensively question the
25 parties about the *Younger* abstention doctrine.

26 6. In the state action, the County seeks to collect \$2.87 million in fines from Calvary for
27 violation of the public health orders.

1 I declare under penalty of perjury under the laws of the State of California that the foregoing is
2 true and correct. Executed on February 21, 2023 at Murrieta, California.

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4 /s/ Mariah R. Gondeiro
5 Mariah R. Gondeiro
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